

PUBLIC WORKS DEPARTMENT
BUILDINGS AND ROADS BRANCH

The 10th October, 1978

No. SE/PWD/B&R/Ambala/556.—In the pursuance of the provisions of section 48 of the Land Acquisition Act, 1894 and all other powers enabling him on this behalf. The Governor of Haryana is pleased to withdraw from Acquisition the Land with respect to which a notification under section 6 of the said act was issued,—*vide* S. E. Ambala Circle/PWD/B & R/ 443-R, dated 16th August, 1973 for constructing a road from Pansara to Shahzadpur, via Rattanpur and Bakarpur tehsil Jagadhri, district Ambala, and was published in *Haryana Government Gazette*, dated 4th September, 1973.

District	Tehsil	Locality	Ares in acres	Killa No.		
Ambala	Jagadhri	Rattanpur	5.64	23	21	22
				24/2	4, 5/1, 5/2	1 to 5
				23	24	
				1, 2	5/1, 5/2, 6	
					25	
				1, 2, 6/2, 7 to 10, 14/1, 14/2,	25	
				15/1, 15/2		
				39, 40/3, 41, 104, 108		

No. SE/PWD/B&R/Ambala/1056.—Whereas it appears to the Governor of Haryana that land is likely to be needed by the Government, at public expenses, for a public purpose, for the construction of link road to village Mandeberi from Kheri Rangran Sudhal Sudhail road. It is hereby notified that the land described in the specification below is required for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by the aforesaid section the Governor of Haryana, is pleased to authorise the Officers, for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required for permitted by that section.

Any person interested in the above land, who has any objection to the acquisition thereof, may within thirty days after the date on which public notice of the substance of this notification is given in the locality, file an objection in writing before the land Acquisition Collector, Public Works Department, Building & Road Branch Ambala cantt.

SPECIFICATION

District	Tehsil	Locality/ village	Hadbast No.	Area in acres	Rectangle/Killa No.
Ambala	Jagadhri	Sudhail	425	0.36	1357, 1360, 1349, 1350, 1356
		Sudhal	426	1.59	23 12, 19, 20, 21, 26. 24 25, 31 5, 7, 13, 19, 20, 21/1, 21/2 21/3 22. 32 1. 41 105,

District	Tehsil	Locality/ village	Hadbast No.	Area in acres	Rectangle/Killa No.	
Ambala	Jagadhri	Kheri Rangran	427	0.91	17	25
					18	4, 5, 7, 13, 19, 21, 22, 18
					27	1.
					28	5, 6, 14, 18, 22, 23, 17
					43	
		Mandeabri	428	2.86	11	24, 25/2, 25/1,
					12	21.
					14	3, 4/1, 4/2, 5, 7, 8/1, 8/2, 9, 11, 12/1, 12/2, 13, 19, 20/1, 20/2, 21, 26.
					15	16, 25/1, 25/2, 25/3, 25/4, 24.
					23	4, 7, 13, 14/1, 17, 18, 23
Total				5.72	acres	56, 57, 58, 59

No. SE/PWD/B&R/Ambala/1059.—In pursuance of Provisions of section 48 of the Land Acquisition Act, 1894, and all other powers enabling him in this behalf, the Governor of Haryana is pleased to withdraw from Acquisition the Land with respect to which a notification under section 4 of the said act was issued,—vide S. E Ambala Circle/PWD/B&R/444/R, dated 26th October, 1971 for constructing a road from Pansara to Shahzadpur via Rattanpur and Bakarpur in Ambala District and was published in Haryana Government Gazettee, dated 14th December, 1971 page No. 1637.

District	Tehsil	Locality	Area in acres	Remarks
Ambala	Jagadhri	Rattanpar	0.63 Sq. miles	As per demarcation at site

(Sd.) . . .

Superintending Engineer,
Ambala Circle, P.W.D., B.&R. Branch,
Ambala Cantt.

LABOUR AND EMPLOYMENT DEPARTMENT

The 21st September, 1978

No. 10(178)-78-5-Lab.—In exercise of the powers conferred by section 87 read with section 91-A of the Employees State Insurance Act, 1948, (Central Act 34 of 1948), the Governor of Haryana, exempts the under mentioned factories and establishments engaged in the manufacturing processes in the State of Haryana, from the operation of the said Act with effect from the 1st July, 1977 to the 30th June, 1978, namely :—

1. Redrying Manufactured leaf tobacco.

2. Rice milling.
3. Salt manufacture
4. Oil mills, subject to the condition that process of oil milling is subsidiary to any other manufacturing processes which is seasonal and so long as the number of employees engaged in oil milling is less than fifty.
5. Ice manufacture.
6. Wool pressing either with or without cotton pressing and ginning.

G. V. GUPTA, Secy.

LABOUR DEPARTMENT

The 21st September, 1978

NO. 12 (116) -78/4 Lab.-In exercise of the powers conferred by sub-section (1) of section 4 of the Contract Labour (Regulation and abolition) Act, 1970 and in supersession of Haryana Government, Labour Department notification No. 12 (116)-78/4 Lab, dated the 11th May, 1978 and all other powers enabling him in this behalf the Governor of Haryana hereby constitutes the State Advisory Contract Labour Board consisting of the following members namely :—

- | | |
|---|-------------------|
| 1. Secretary to Government, Haryana,
Labour and Employment Departments | Chairman |
| 2. Labour Commissioner, Haryana | Ex Officio Member |
| 3. Engineer-in-chief P.W.D. (B. and R.), Haryana | Member |

REPRESENTATIVES OF EMPLOYERS

- | | |
|---|--------|
| 1. Shri C. S. Puri, Personnel Manager,
M/S Goodyear India Limited, Ballabgarh. | Member |
| 2. Shri Hoshier Singh, General Manager,
Panipat Co-operative sugar Mills, Panipat. | Member |

REPRESENTATIVES OF CONTRACTORS

- | | |
|---|--------|
| 1. Shri C. B. Pandey, Contractor,
V. K. and Company, care of
M/s Hindustan National Glass and Industries Limited,
Bahadurgarh. | Member |
| 2. Col J. S. Puri, Managing Director,
Scientific Security Management Services,
(P) Limited, Faridabad. | Member |

REPRESENTATIVES OF EMPLOYEES

- | | |
|--|--------|
| 1. Dr. Krishan Gopal, General Secretary,
Bhartiya Mazdoor, Faridabad. | Member |
| 2. Shri Sagar Ram Gupta Convenor
National Labour Organisation, Bhiwani | Member |
| 3. Shri K. L. Sharma, Organising Secretary,
I. N. T. U. C. Press Colony, Faridabad. | Member |
| 4. Shri Raghbir Singh, Secretary,
A. I. T. U. C. G. T. Road, Panipat. | Member |
| 5. Shri Raghbir Singh Hudda,
C. I. T. U. Rohtak | Member |

2. The headquarters of the Board will be at Chandigarh. The Meetings of the Board may be held at the headquarters or at any other place in the State of Haryana at the discretion of the Chairman.

3. The terms of the Board will be for a period of three years from the date of publication of this notification in the official Gazette.

4. The non-official members of the Board will draw T.A. and D. A. in accordance with the instructions contained in Haryana Government letter No. 704-POL(4)-72 /9855, dated 6.4.72.

5. The Deputy labour Commissioner, Haryana will be the Controlling Officer in respect of the T.A. Bills of the non-official members of the Board.

6. The expenditure on the T.A./D.A. will be met from the Budget Grant of the labour Department.

7. The head of account to which the expenditure is to be debited may please be communicated to the Accountant General, Haryana under intimation to Government.

The 4th October, 1978.

No. 11(112)—3Lab-78/8728.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the presiding officer, Industrial Tribunal Faridabad, in respect of the dispute between the workman and the management of M/S. K-Streetlite Electric Corporation NIT Faridabad.

BEFORE SHRI NATHU RAM SHARMA.
PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD.

Reference No. 51 of 1976

between

SHRI HARI OM WORKMAN AND THE
MANAGEMENT OF M/S. K-STREET-
LITE ELECTRIC CORPORATION, N.I.T.,
FARIDABAD

Present:—

Shri R. N. Roy, for the workman.

Shri R. C. Sharma, for the management.

AWARD

By order No. ID/FD/926-B-75/6863 dated 13th February, 1976 the Governor of Haryana, referred the following dispute between the management of M/s. K-Streetlite Electric Corporation, N.I.T., Faridabad and its workman Shri Hari Om, to this Tribunal for adjudication, in

exercise of the powers conferred by clause (d) sub section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the dismissal of Shri Hari Om was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, the following issues were framed on 9th November, 1976:—

- (1) Whether the dismissal of the workman concerned was justified and in order? If not, to what relief is he entitled?
- (2) Whether the present reference does not involved industrial dispute on the ground that a substantial number of workmen has not espoused a cause?
- (3) Whether Shri Hari Om is not a workman?
- (4) Whether the previous award operates as res judicata to the present reference?
- (5) Whether the reference is belated? If so, to what effect?
- (6) Whether the Government has bound to express the basis of their opinion?

The case was fixed for the evidence of the management. The management

examined one Shri K. C. Kohli, their Ex-Factory Manager, as M.W. 1, who proved certain documents and stated that he had held the domestic enquiry and the workman had participated in it. The workman had crossed examined the witnesses and was present on all the dates of hearing. He proved the enquiry proceedings, his findings. The management also examined Shri R. C. Sharma, their authorised representative as M.W. 2 who stated that he was their Standing Advisor and looks after all legal affairs of the management. He had not attended the conciliation proceedings. He tendered in evidence certain documents. The management closed their case and the case was fixed for the evidence of the workman. The workman examined himself as W.W. 1 who stated that he had raised general demands of the workman, such as supply of uniforms, bonus, interim relief etc. Gate meetings were held and the workman used to give slogans and demonstration. Sarvshri Darshan Singh, Chaman Lal used to address gate meetings. Never any quarrel had taken place, nor any objectionable thing occurred nor there was any police case. He never heard abuses while giving slogans, nor abused any person. At that time, no standing orders were applicable to the factory and that the charges against him was never told to him before or during the enquiry. The workman closed his case. Now I give my findings issuewise.

It would be proper to first decide issues Nos. 2 to 6.

ISSUE NO. 2.

This reference is regarding termination of services which is an industrial dispute. No espousal is needed for this individual dispute. Section 2-A is very clear on this point. The objection has been raised on the ground that the reference order describes the name of the workman as Hari Om C/o Comd. Chaman Lal Oberoi, office of the Trade Union, Faridabad. By describing the workman by the address of a person of trade union it does not become a general dispute, nor any such thing has been brought to my notice by the management that it is not an

industrial dispute. I, therefore, decide issue No. 2 against the management.

ISSUE NO. 3.

There is abundance of evidence to prove that Shri Hari Om is a workman. Even the management have held a domestic enquiry against him. I, therefore decide issue No. 3 against the management.

ISSUE NO. 4.

The previous award does not operate as res-judicata. The same has been quashed by the Punjab and Haryana High Court on the ground that the appointment of Shri Thukral was not legal and the Hon'ble the Punjab and Haryana High Court had struck down the said award as void and being without jurisdiction and quashed the impugned order of Shri Thukral. It was no award in the eye of law. The order given by Shri Thukral was without jurisdiction and therefore was not by a competent court. It can not operate as res-judicata. I, therefore, decide issue No. 4 against the management.

ISSUE NO. 5.

The impugned order of Shri Thukral was quashed by the Punjab and Haryana High Court on 2nd September, 1974 and the reference order is dated 13th February, 1976. The demand notice describing the order of reference is dated 12th November, 1975. Hence I hold that the reference is not belated. The workman raised the demand after coming to know of the order of the Hon'ble the Punjab and Haryana High Court in Writ Petition No. 1616 of 1969. Moreover the delay if any, is not fatal to the reference.

ISSUE NO. 6.

No authority has been cited before me, ruling that the Government was bound to express the basis of their opinion. I, therefore, decide this issue against the management.

Now I take up issue No. 1 which is a crucial issue for decision on the dispute.

ISSUE No. 1:

The management examined Shri K. C. Kohli, their Ex-Factory Manager as M. W. 1 who had held the domestic enquiry, who had stated that the workman had participated in it and had cross-examined the witnesses for the management and was present on all dates of hearing. The enquiry proceedings were partly written by him and partly by some other person under his dictation. He proved the enquiry proceedings and his finding. He stated that he had left this factory on 30th September, 1975. He attended the factory for about a month as his accounts were being prepared. He deposed that no other demand notice except Ex. M-3 was received by the management. It was referred by Ex. M-4 and it had been awarded also. The management had gone to the Hon'ble the Punjab and Haryana High Court, thereafter no conciliation proceedings took place, nor they gave any information. In cross-examination he admitted that he had appeared as a witness before Shri Thukral. He further stated that he did not remember that statement. His previous statement portion A to A on Exhibit W-1 was shown to him and he admitted that. He could not give the strength of workmen in the factory for the period from April 1966 to 30th May, 1967 but he stated that the strength varied from time to time from 30 or 35 to 100. He could not give the date of appointment of the workman. He stated that it was possible that the strength at that time might be less than 50 but he could not recollect after such a long time. He further stated that there were no certified standing orders at that time.

The management then examined Shri R. C. Sharma, their authorised representative as M.W. 2 who stated that he looks after the legal affairs of the management and attend all conciliation meetings and courts on their behalf. He never attended the conciliation meeting as no intimation from conciliation officer or from the Government was received by the management. He tendered in evidence the

document Exhibit M-5 to M-19. The management closed their case.

Then the case was fixed for the evidence of the workman who examined himself as W.W. 1 who deposed that there was organised a union in 1962 for getting some demands relating to supply of uniforms, interim relief, bonus, etc. The workman had to be at the gates at their off duty hours. The workman used to give some slogans and demonstration. Sarvshri Darshan Singh and Chaman Lal used to attend the gates as leaders of the workmen and used to address meetings. The slogans were called by them. Never any quarrel or objectionable things occurred, nor any police case was registered. He never heard abuses hurled on any person while giving slogans, nor he abused any person and the act on his part amounting to mis-conduct was never told to him before holding or during the domestic enquiry. In cross-examination he admitted that the demand notice on his behalf was given by the union and they were replying and responding to the call of slogans by the leader. Never a wrong slogan was called. He further stated that during those days 65 to 70 workmen were working in the factory. He admitted that when the Hon'ble the High Court quashed the award given by the Labour Court previously, he never wrote any letter to the Government thereafter for asking for the fresh reference. The workman closed his case.

The case was fixed for arguments. Arguments were heard at length. I have gone through the entire evidence of the parties oral as well as the documentary. I have also gone through the enquiry proceedings.

The enquiry officer has examined as many as six witnesses. In the enquiry proceedings M.W. 1 Shri R. P. Mohindra proved the charges levelled against the workman and stated that the alleged slogans were given by the workman. In cross examination, he stated that he was doing work in his office and heard the slogans, as the slogans were raised loudly. M.W. 2 Ishwar Singh at the enquiry proceedings also corroborated that the

alleged slogans were given by the workman. He further stated before the enquiry officer that he had seen the workman raising the slogans and that slogans were raised by the workman pointing at that witness. M.W. 3 Chander Bhan also corroborated the statement of M.W. 1 and M.W. 2 and stated that the said slogans were given by the workman. M.W. 4 Shri Ghasi Ram also stated before the enquiry officer that those slogans were given by the workmen except one slogan. He in cross-examination stated that he had seen the workman raising slogans and there was one Shri Sham Lal also with the workman. M.W. 5 Shri Dharam Chand also stated that all the slogans except one to the effect "that if the management did not negotiate with them, even their father shall have to negotiate with them." were raised by the workmen. M.W. 6 Shri Gopal Krishan also stated before the enquiry officer that all the slogans were raised by the workman except this that he did not remember about two slogans, one to the effect that if the management did not negotiate with them even their father shall have to negotiate with them and another regarding ruin of boot polishers.

Before the enquiry officer, Hari Om also gave his statement. Shri Chaman Lal also appeared as defence witness No. 1. Shri Prem Dass and Shri Darshan Singh also deposed as defence witness before the enquiry officer. The defence witnesses stated that gate meetings were held and slogans were raised but ordinary trade union slogans were raised and those abusive and derogatory slogans as alleged by the management were not raised.

The enquiry proceedings reveal that the workman participated throughout the enquiry. Witnesses for the management have been cross-examined at length by the workman. The defence witnesses have also been cross-examined at length. The enquiry officer has given all opportunities of cross examination and defence to the workmen. Enquiry proceedings are signed by the workman concerned. I do not find any fault in enquiry proceedings. Enquiry proceedings have been held in accordance with the principles of

natural justice. The enquiry officer has believed the statements of the witness for the management and has not believed the statements of the defence witnesses. This was his discretion. Holding of gate meetings by the workmen or participation of the workmen in such meetings and raising of slogans, were not denied even at the enquiry proceedings and these are not in dispute. The dispute relates to only the specific slogans. The enquiry officer believed that the slogans as alleged by the management were raised by the workman and did not believe the statements of defence witnesses that ordinary trade union slogans were raised by the workman and other trade union leaders. Here I am none to interfere with the discretion and the opinion of the enquiry officer. Appreciation of evidence was his task and duty. I can not substitute any opinion with the finding of the enquiry officer, as I am not an appellate court over him. Had the finding of the enquiry officer been based on "no evidence", certainly I would have interfered and would have held the finding as perverted but when the finding of the enquiry officer is based on finding, it is not perverse. The only thing is that the enquiry officer believed the management evidence and did not believe the defence evidence but he has discussed all the evidence of the management as well as of the workmen in his finding. Therefore, his finding is also not reversed and the enquiry has been held in accordance with the principles of natural justice. The slogans as alleged by the management to have been raised by the workman are derogatory and amount to misconduct. They are subversive of discipline also and the management was within their right to dismiss the workmen. I therefore, decide issue No. 1 in favour of the management.

While answering the reference, I give my award that the dismissal of Shri Hari Om the workman concerned, was justified and in order. He is not entitled to any relief.

Dated 14th September, 1978

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal Haryana,
Faridabad.

Dated the 14th September, 1978.

No. 894, dated the 21st September, 1978.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)-3Lab-78/8735 —In pursu-
of the provision of section 17 of the In-
dustrial Disputes Act, 1947 (Act No. XIV
of 1947) the Governor of Haryana is
pleased to publish the following award
of the Presiding Officer, Industrial Tri-
bunal, Faridabad, in respect of the dis-
pute between the workmen and the
management of M/s. Print Pak Machi-
nery Ltd., Faridabad:—

BEFORE SHRI NATHU RAM SHARMA.
PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD.

Reference No. 206 of 1977

between

SHRI SAT PAL WORKMAN AND THE
MANAGEMENT OF M/S. PRINT PAK
MACHINERY LTD., FARIDABAD
Present.—

Shri Subhash Birla, for the workman.

Shri R. C. Sharma, for the manage-
ment.

AWARD

By order No. ID/FD/445-77/48205
dated 15th November, 1977 the Governor
of Haryana referred the following dispute
between the management of M/s. Print
Pak Machinery Ltd., Faridabad and its
workman Shri Sat Pal to this Tribunal,
for adjudication, in exercise of the powers
conferred by clause (d) sub-section (1) of

section 10 of the Industrial Disputes Act,
1947:—

Whether the termination of servi-
ces of Shri Sat Pal was justified
and in order? If not, to what
relief is he entitled?

On receipt of the order of reference,
notices were issued to the parties. The
parties appeared and filed their pleadings.
On the pleadings of the parties, the follow-
ing issue was framed on 1st February,
1978:—

Whether the termination of services
of Shri Sat Pal was justified
and in order? If not, to what
relief is he entitled?

The case was fixed for the evidence of
the management. The management ex-
amined Shri H. L. Chawla, their Accounts
Officer as M.W. 1. Shri Bishan Singh
Supervisor as M.W. 2 and Shri Raj Kumar
their Cashier as M.W. 3 and closed their
case.

Then the case was fixed for the evi-
dence of the workman. The workman
examined himself as W.W. 1 and closed
his case.

Arguments were heard. I now give
my finding on issue No. 1.

ISSUE NO. 1.

The workman was appointed as
Generator Operator which post became
surplus with the management. There
was only one generator operator in the
factory and the workman was the only
generator operator. Formerly generator
used to work generally as there were
frequent break downs of electricity but
recently the break downs were seldom, so
the post, became surplus. The manage-
ment retrenched the workman on 7th
July, 1977. The management gave a
letter to the workman retrenching him,—
vide their letter, dated 7th July, 1977,
i.e. of the same date and asked the work-
man to collect his retrenchment compen-
sation of Rs. 780 and one month's salary

amounting to Rs. 520 and due wages and due earned leave wages amounting to Rs. 229,—*vide* this letter, but the workman refused to accept. His refusal has been witnessed by 2/3 persons. Voucher was prepared which is Exhibit M-18 for payment of the said sum after deducting the amount pertaining to Provident Fund and E.S.I., but the workman refused to receive. The voucher is dated 7th July, 1977 i.e. of the same date. The management then sent that amount by money order on 8th August, 1977, but the workman refused to receive even the money order. Tender of payment according to law for retrenchment of the workman has been proved but the workman did not receive the amount. The retrenchment was in accordance with law as there was only one post, that was abolished. No question of seniority arose. All these facts have been proved by M.W. 1, M.W. 2 and M.W. 3 and Exhibit M-18, M-19, M-20, M-21, M-22 and M-17. I have also seen Exhibit M-2 the appointment letter given to the workman. It is signed by the workman also. The workman was appointed as generator mechanic. The workman had examined himself and admitted that money order was tendered to him for receiving the amount under money order but he refused to receive. He had refused to receive the money order as he wanted to go back on duty but when the workman had been retrenched as per law and his post had been abolished which was the only one post, the question of the workman going back on duty did not arise. Under the

circumstances, I decide issue No. 1 as follows:

That the workman was retrenched from service as per law. His retrenchment was legal just and in order which resulted in termination of service.

While answering the reference, I give my award that the services of the workman by way of retrenchment were terminated justifiably and it was in order. The workman is not entitled to any relief, except the retrenchment compensation, one month's wages and his other dues that the management had offered to him,—*vide* their letter No. EST/9109-77 of 7th July, 1977, copy whereof is Exhibit M-17.

Dated the 19th September, 1978.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endorsement No. 886, dated the 21st September, 1978.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)-3Lab-78/8736.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Rajindera Paper Mills, 50 NIT, Faridabad;—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 147 of 1977

between

SHRI MAGHAR SINGH WORKMAN AND THE MANAGEMENT OF M/S RAJINDERA PAPER MILLS, 50, N. I. T., FARIDABAD

Present.—

Shri Ram Murti Sharma, for the workman.

Shri S. L. Gupta, for the management.

AWARD

By order No. ID/FD/288-77/39030, dated the 7th September, 1977, the Governor of Haryana referred the following dispute between the management of M/s Rajindera Paper Mills, 50, N.I.T., Faridabad and its workman Shri Maghar Singh to this Tribunal for adjudication in exercise of the powers conferred by clause (d) sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Maghar Singh was justified and in order ? If not, to what rate is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, the following issues were framed on 2nd February, 1978 :—

- (1) Whether the workman has been employed gainfully during any period ? If so, to what result ?
- (2) Whether the termination of services of the workman concerned was justified and in order ? If not, to what relief is he entitled ?
- (3) Whether the retrenchment of the workman concerned by the management was justified and in order ?

The case was fixed for the evidence of the management. The management examined Shri N.M. Rath, their Manager, as MW-1 and Shri O.P. Sexana, Accountant of M/s Bector Casting India, Faridabad as M.W. 2 and closed their case.

Then the case was fixed for the evidence of the workman. The workman examined himself as W.W. 1. and closed his case.

Arguments were heard. I give my finding issuewise.

Issue No. 1.—The workman has been gainfully employed with M/s Bector Casting, Faridabad at a monthly wage of Rs. 450 from 1st January, 1977 to 30th September, 1977 which is proved from Ex. M-3. This amount of gainful employment came to Rs. 4,050. I, therefore, decide issue No. 1 accordingly.

Issue No. 2.—The case of the management is that the workman was retrenched but they did not pay him the retrenchment compensation and one month's notice pay at the time of retrenchment. Even they did not send that amount by money order. Even the earned wage and bonus has not been paid to the workman upto 29th March, 1978. I, therefore, decide issue No. 2 against the management.

Issue No. 3.—As held above the retrenchment of the workman was also not justified rather it was illegal. The retrenchment compensation and one month's notice wage was not tendered to the workman at the time of retrenchment, even this amount was not sent to him by money order. Even the earned wages were lying with the management till the management closed their case. I, therefore, decide issue No. 3 against the management.

While answering this reference, I give my award that the termination of services of the workman Shri Maghar Singh was neither justified nor in order. He is entitled to reinstatement with continuity of service and with full back wages minus Rs. 4050 which he received from M/s Bector Casting India, Faridabad on account of his gainful employment with them from 1st January, 1977 to 30th September, 1977 at a monthly wage of Rs. 450.

Dated, the 19th September, 1978.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 885, dated the 21st September, 1978.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.